

Oklahoma Statutes Annotated

Title 2. Agriculture

Chapter 1. Agricultural Code (Refs & Annos)

Article 20A. Oklahoma Concentrated Animal Feeding Operations Act

2 Okl.St. Ann. § 20-46

§ 20-46. Notice and hearing requirements

Currentness

A. 1. Any person applying for a license for a new animal feeding operation shall comply with the notice and hearing requirements as specified by this section and rules promulgated by the State Board of Agriculture.

2. Notice requirements shall include notice to affected property owners by certified mail, return receipt requested pursuant to subsection C of this section and public notice pursuant to subsection D of this section.

B. After submission of a completed application as provided by the Oklahoma Concentrated Animal Feeding Operations Act and rules promulgated pursuant thereto, the Oklahoma Department of Agriculture, Food, and Forestry shall have sixty (60) working days to review the application for a new operation for physical and technical suitability.

C. 1. After review and after the applicant has submitted any additional required information to the Department, the Department shall require the applicant to notify all affected property owners of the proposed facility. Notice shall be sent by certified mail, return receipt requested. The notice shall identify that an application for a new animal feeding operation has been submitted to the Department, the location where the facility is to be located, that a hearing may be requested pursuant to this subsection, and the date the application will be available for public review beginning no earlier than the day following the certified mailing of all the required notices, and any other information required by the Department.

2. Each affected property owner requesting a hearing shall submit, in writing, the following information:

a. the name and address of the interested party and proof of standing by showing that the interested party is an affected property owner,

b. a statement of specific allegations showing that the proposed facility operation may have a direct, substantial and immediate effect upon a legally protected interest of the interested party, and

c. the relief sought by the interested party.

3. If any of the affected property owners request an administrative hearing and all information listed in paragraph 2 of this subsection is found to be complete and adequate in the request for hearing, the scheduling conference for the hearing shall be held by the Department at a reasonable time within sixty (60) calendar days after the close of the public review period. Should the interested party have failed to provide any of the information listed in paragraph 2 of this subsection, the interested party

shall have thirty (30) calendar days with which to cure any deficiencies after notice by the Department of such failure and receipt thereof in writing by the interested party. All interested parties may be joined as parties to the hearing.

4. In addition to any other information deemed necessary by the Department, at the hearing the Department shall hear testimony and accept evidence pertaining to the physical and technical suitability of the proposed facility.

a. Prior to the hearing, and after a reasonable opportunity for discovery, the interested party shall identify with specificity the reasons why the applicant has failed to show that the application should be granted.

b. In a prehearing order, the Department shall identify the allegations that are relevant and applicable to the hearing.

c. At the hearing, the interested party shall be afforded a reasonable opportunity to present evidence and argument in support of the allegations identified in the prehearing order and the applicant shall be afforded a reasonable opportunity to present evidence and argument to controvert those allegations.

5. Any administrative hearing held pursuant to the provisions of this subsection shall comply with the Administrative Procedures Act and rules promulgated by the Board.

6. Establishment of property usage is the date the animal feeding operation application was made available for public review versus date of initial construction or placement of occupied residence and shall be given consideration when determining a contested matter between an applicant and an interested party on issues other than pollution of the waters of the state.

D. 1. In addition to the individual notice, the Department shall require the applicant to give public notice of the opportunity to comment on the granting of the license.

2. The public notice for a new operation shall be published as a legal notice prior to the date the application is available for public viewing, in at least one newspaper of general circulation in the county where the proposed facility is to be located.

3. The notice shall identify locations where the application shall be available for viewing. The locations shall include the office of the Department and a specific public location in the county where the proposed facility is to be located.

4. The application shall be available for public review during normal business hours. The copies of the application posted for public viewing shall be complete except for proprietary provisions otherwise protected by law and shall remain posted during normal business hours for at least twenty (20) working days after notice is published.

5. The Department, as necessary, may hold public meetings at a location convenient to the population center nearest the proposed facility to address public comments on the proposed facility.

E. Prior to the issuance of any license for an animal feeding operation, the Department shall require the applicant to submit:

1. Documentation certifying notice has been issued to all affected property owners. A map of all affected property owners and the corresponding mailing list shall be submitted with each application; and
2. Proof of publication notice of a new application for an animal feeding operation license.

**Credits**

[Laws 2007, c. 31, § 34, eff. Nov. 1, 2007.](#)

2 Okl. St. Ann. § 20-46, OK ST T. 2 § 20-46

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